

Thomas A. Thompson
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Attorney for the City of Powell and Tim Feathers in
his official capacity.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

TRICIA WACHSMUTH,

Plaintiff,

vs.

Civil Action No. 10- CV-041-J

CITY OF POWELL, TIM FEATHERS, CHAD MINER,
MIKE CHRETIEN, ROY ECKERDT, DAVE BROWN,
MIKE HALL, BRETT LARA, MATT McCASLIN,
ALAN KENT, MATTHEW DANZER, OFFICER BRILAKIS,
LEE BLACKMORE, CODY BRADLEY, KIRK CHAPMAN
JOHN DOES #1-#4

Defendants.

CITY DEFENDANTS' CERTIFICATE OF COSTS

COMES NOW Defendants City of Powell and Defendant Tim Feathers in his official capacity, by and through their attorney Thomas A. Thompson, of MacPherson, Kelly & Thompson, LLC, and hereby filed their Certificate of Costs pursuant to Rule 54.2 of the Local Civil Rules of the United States District Court for the District of Wyoming, and state as follows:

- A. Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case on behalf of City Defendants:

1. 2/16/11 David W. Patterson – Cross-Examination¹ \$126.10
2. 2/24/11 Testimony of Tim Feathers² \$431.65

Subtotal **\$557.75**

B. Fees for witnesses called to testify on behalf of City Defendants, itemized as follows:

Name & Residence	Attendance ³		Subsistence ⁴		Mileage ⁵		Total Cost for Witness
	Days	Total Costs	Days	Total Costs	Miles	Total Costs	
K. Thor Eells 19875 Indian Summer Lane Monument, CO 80132	1	\$40.00	1.5	\$157.50	151.1	\$75.55	\$273.05

Subtotal **\$273.05**

C. Costs of depositions⁶ read into evidence at trial in lieu of appearance or necessary depositions used during the course of trial that a witness's recollection be refreshed from his/her deposition testimony, on behalf of City Defendants, as follows:

¹See attached Invoice No: 20110104, marked Exhibit "A" from Julie H. Thomas.

²See attached Invoice No: 20110114, marked Exhibit "B", from Julie H. Thomas.

³Witness fees at the time of trial were \$40.00 for each day a witness testified. Mr. Eells testified on February 25, 2011, as shown by Doc. 152, Courtroom Minutes Jury Trial Day 9.

⁴Subsistence at the time of trial (Per Diem= M&IE and Lodging) for each day that a witnesses was away from home to testify was \$157.50 as listed at www.gsa.gov.

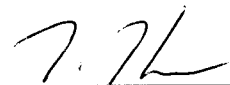
⁵Mileage at the time of trial was 50¢ per mile per Wyoming Statute. Mileage is calculated based on figures given from the Mileage Calculator from Randy McNally Road Atlas for out-of-state travel.

⁶As per this Court's Administrative Order dated October 31, 2007, the maximum allowable for an ordinary transcript is \$3.65/pg. for original depositions; 90¢/pg. for the first copy; 60¢ for any additional copies.

1.	Lt. Dave Patterson ⁷ - Original (144 pgs x \$3.65)	\$473.04
2.	D.P. Van Blaricom ⁸ - Original (113 pgs x \$3.65)	\$412.45
3.	Dr. Michael Kobos ⁹ - Original (74 pgs x \$3.65)	\$270.10
4.	Dr. Troy Stiles ¹⁰ - Original (75 pgs x \$3.65)	\$273.75
<u>Subtotal</u>		<u>\$1,429.34</u>
GRAND TOTAL		\$2,260.14

WHEREFORE the City Defendants respectfully requests that the Court enter a Bill of Costs allowing its costs in the amount of **\$2,260.14** and for such other and further relief as the Court deems proper in the premises.

DATED this 14th day of March, 2011.



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⁷See attached Invoice # 1306, marked as Exhibit "C", from Bray Reporting. Usage of Lt. Patterson's deposition is reflected in Doc. 142, Courtroom Minutes Jury Trial Day 5.

⁸See attached Invoice No. 25124, marked as Exhibit "D", from Seattle Deposition Reporters LLC. Usage of D. P. Van Blaricom's deposition is reflected in Doc. 142, Courtroom Minutes Jury Trial Day 5.

⁹See attached Invoice # 2005, marked as Exhibit "E", from Sabrina Trevathan. Usage of Dr. Michael Kobos's deposition is reflected in Doc. 158, Courtroom Minutes Jury Trial Day 10.

¹⁰See attached Invoice # 2005, marked as Exhibit "E", from Sabrina Trevathan. Usage of Dr. Troy Stiles' deposition is reflected in Doc. 158, Courtroom Minutes Jury Trial Day 10.

CERTIFICATE OF SERVICE

This is to certify that on the 14th day of March, 2011, at Rawlins, Wyoming, I served the foregoing instrument by causing to be deposited a full, true and correct copy thereof in the United States Mail, duly enveloped with postage prepaid, and addressed to:

Jeffrey C. Gosman
Gosman Law Office
P.O. Box 51267
Casper, WY 82601

Misha Westby
Wyoming Attorney General's Office
Herschler Building, 1st Floor West
Cheyenne, WY 82002

/s/ Thomas A. Thompson
For MacPherson, Kelly, & Thompson, LLC

Mailed By: hef